

By Senator Montford

3-01908-14

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1                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           1013.505, F.S., relating to public-private projects  
4           for the upgrade of state university facilities and  
5           infrastructure; providing an exemption from public  
6           records requirements for unsolicited proposals held by  
7           a state university board of trustees for a specified  
8           period; providing for future review and repeal of the  
9           exemption under the Open Government Sunset Review Act;  
10          providing a statement of public necessity; providing a  
11          contingent effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Subsection (14) is added to section 1013.505,  
16 Florida Statutes, as created by SB 900, 2014 Regular Session, to  
17 read:

18           1013.505 Public-private partnerships; state universities  
19 and private entities.—

20           (14) PUBLIC RECORDS EXEMPTION.—

21           (a) If a board receives an unsolicited proposal under this  
22 section, the proposal is exempt from s. 119.07(1) and s. 24(a),  
23 Art. I of the State Constitution until such time that the board  
24 receives and ranks the proposals as described in subsection (5)  
25 and provides notice of its intended decision.

26           (b) An unsolicited proposal is not exempt for more than 12  
27 months after the board rejects all proposals received for the  
28 project described in the unsolicited proposal or, if the board  
29 does not intend to enter into an agreement for the project, the

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30 date that the unsolicited proposal was received.

31 (c) This subsection is subject to the Open Government  
32 Sunset Review Act in accordance with s. 119.15 and shall stand  
33 repealed on October 2, 2019, unless reviewed and saved from  
34 repeal through reenactment by the Legislature.

35 Section 2. The Legislature finds that it is a public  
36 necessity that an unsolicited proposal held by a state  
37 university board of trustees pursuant to s. 1013.505, Florida  
38 Statutes be made exempt from s. 119.07(1), Florida Statutes, and  
39 s. 24(a), Article I of the State Constitution until the board  
40 provides notification of its decision or its intent to make a  
41 decision after ranking proposals under s. 1013.505(5)(c),  
42 Florida Statutes. An unsolicited proposal is not exempt for more  
43 than 12 months after the board rejects all proposals received  
44 for the project described in the unsolicited proposal or, if the  
45 board does not intend to enter into an agreement for the  
46 project, the date that the unsolicited proposal was received.  
47 The protection of information contained in unsolicited  
48 proposals, as set forth in s. 1013.505, Florida Statutes,  
49 submitted to a state university board of trustees that serve the  
50 public purpose of procuring the timely development or operation  
51 of a qualifying project as defined in s. 1013.505(1)(i), Florida  
52 Statutes, and serve a public need for timely and cost-effective  
53 acquisition, design, construction, improvement, renovation,  
54 expansion, equipping, maintenance, operation, implementation, or  
55 installation of projects that will be principally used by a  
56 state university in serving the university's core mission may  
57 not be wholly satisfied by existing procurement methods. These  
58 unsolicited proposals may contain proprietary business

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59 information and trade secrets, such as patent-pending designs  
60 and financing terms. If such information is publicly available  
61 before the state university board of trustees makes a decision,  
62 competitors could determine the creative financing used to fund  
63 these projects. Therefore, the Legislature finds that the harm  
64 that may result from the release of such information outweighs  
65 any public benefit that may be derived from disclosure of the  
66 information.

67 Section 3. This act shall take effect on the same date that  
68 SB 900 or similar legislation takes effect, if such legislation  
69 is adopted in the same legislative session or an extension  
70 thereof and becomes law.